

Milwaukee police often face minimal punishment for driving drunk

- Police chief
- Police officer who was caught
- Police officer who does not drink
- Tavern league representative
- Victim of the police drunk driving (Luisa Villa)
- Driver's ed instructor

Court restores Indians mascot for Mukwonago schools

- Native American student
- Community member who is offended
- Community member who is proud
- Native American
- Football player
- Uniform store owner

Milwaukee police often face minimal punishment for driving drunk

By Gina Barton of the Journal Sentinel

Oct. 25, 2011

Milwaukee police Officer Andrew Wagner was driving drunk when he struck Luisa Villa on the freeway.

Villa was standing beside a disabled car, trying to help the driver, when Wagner's pickup truck plowed into her, according to the accident report. She was pinned between the two vehicles as they collided, then thrown into the median. She landed on the ground, unconscious.

At least one witness thought she was dead.

But Villa, then 20, survived. She left the hospital with a walker and stitches across her face.

"I made it to the couch and didn't move for six weeks," she said.

That's longer than Wagner was off the job, according to his personnel record. He was suspended from the Police Department for 10 days.

Wagner, who was off-duty when the crash occurred, is not an anomaly. At least 35 members of Milwaukee's police force have been disciplined by the department after being arrested for driving drunk off-duty since they were hired, a two-year Journal Sentinel investigation found.

They are among 93 officers who have been sanctioned after the department concluded they violated state laws or local ordinances ranging from shoplifting to sexual assault, according to the newspaper's review, the first of its kind involving the Milwaukee police.

Wisconsin is the only state in which first-offense drunken driving is usually a traffic violation rather than a crime. Numerous attempts to change that in the Legislature have never gotten off the ground in a state where so many people drink socially and the Tavern League is a political force.

Even so, one drunken-driving conviction is enough to get someone fired from Milwaukee's largest cab company. A second offense - which rises to the level of a misdemeanor - results in a lifetime ban from the commercial driver's license needed to work as a truck driver.

But Milwaukee cops caught drunk behind the wheel continue to be responsible for stopping drunken drivers and enforcing other laws, even if they've been convicted more than once.

That's not the case in many departments around the country. And it tells the community the police don't take drunken driving seriously, advocates say.

"It puts people's lives and livelihoods at risk," said John Vose, state spokesman for Mothers Against Drunk Driving. "When someone in law enforcement drives drunk, that just makes it all the more difficult for us to send the message that drinking and driving is wrong."

Wagner is one of 10 officers whose intoxicated driving has crossed the line into potentially criminal conduct by injuring someone in a crash, having a gun in the car, having a child as a passenger or getting busted more than once, the newspaper found. Just four of them were convicted of crimes.

Wagner, whose blood-alcohol level was more than double the legal limit, initially was charged with two misdemeanors in connection with the 2004 crash that injured Villa. As part of a plea agreement, the criminal charges were dismissed. Instead, Wagner, then 25, was ticketed for first-offense drunken driving - the same outcome he would have faced if he had simply been pulled over rather than causing a crash with injuries. He was fined \$300, according to court records.

Villa can understand that Wagner was driving drunk in the first place.

But the fact that Wagner didn't go to jail bothers Villa. She suspects he got a break because of his job with the Police Department.

"I know they tend to take care of their own," she said.

Wagner did not respond to a request for comment.

Milwaukee County District Attorney John Chisholm declined to discuss Wagner's case or the reasons behind the plea deal. In a written statement, Chief Deputy District Attorney Kent Lovern pointed out that Wagner paid more than \$22,000 in restitution.

Court records show Wagner's insurance company actually made the payment to Villa.

Milwaukee Police Chief Edward Flynn also refused to be interviewed by the Journal Sentinel. But in a video presentation to officers, the audio portion of which was obtained by the newspaper, he said drunken driving is "as much a threat to officer safety as any other issue."

"Anybody who is a police officer who drives drunk puts their life in danger and the life of the public in danger," he said during the speech.

"This is an issue of concern everywhere, but when you couple that issue with what is frankly acknowledged - too often humorously - with a culture of drinking in Wisconsin, you have a recipe for serious problems," he said.

Despite the prevalence of alcohol-related problems within the department, very few people have been referred to the employee assistance program, which provides counseling, Flynn said.

"We refer about one-fifth the numbers that the Fire Department refers," he said.

An employee committee was working to develop a new program that includes education, support and discipline for officers with alcohol-related problems, he said. Training began earlier this month.

That's a step in the right direction, said Nina Emerson, director of the Resource Center on Impaired Driving at the University of Wisconsin Law School. Early intervention can reduce both drunken driving and domestic violence, which is often fueled by drinking, she said. And it can help change a culture that doesn't take impaired driving seriously.

"It's such a huge problem in this state," she said. "We should all know better."

That goes double for law enforcement, said Milwaukee County Sheriff David A. Clarke Jr.

It's a clear conflict for someone who has driven drunk to pull over other drivers for the same offense, according to Clarke, who said he is getting backlash from the union because he won't allow a twice-convicted deputy to go out on patrol.

"If I'm going to hold the public's feet to the fire in terms of drunken driving, how can I not hold my officers' feet to the fire?" he asked. "It's dangerous behavior."

It's even worse if an officer has racked up multiple offenses or lied about it, he said.

Mukwonago mascot ruling raises questions for other districts

By Erin Richards of the Journal Sentinel

Oct. 4, 2011

Days after a Waukesha County judge ruled that Mukwonago High School can keep its Indians nickname because an administrative ruling on the case was unfair, little reaction has been heard from the Department of Public Instruction, which issued the initial ruling.

Meanwhile, another district recently ordered by the DPI to change its Indians nickname is waiting for more information to see if it might be let off the hook in a similar fashion.

Berlin Area School District, a rural district north of Ripon, was told by DPI on Sept. 16 that it had one year to change its Indians mascot. That ruling was set in motion by a complaint received by the DPI from a Berlin resident this summer.

"We're just studying the Mukwonago situation to see if it applies to us at all," said District Administrator Bob Eidahl. He said they were planning a special board meeting to discuss the issue.

He said that the Indians nickname is part of the heritage of Berlin, and that most of the community feels strongly about keeping it. The name wasn't originally chosen for bad reasons, but for good, he added.

The mascot controversy ramped up in 2010 when the former Legislature passed a law that forced districts to remove their Indian nicknames and mascots if they offended residents. By complaining to the DPI, any resident could set that process in motion.

At the time of the law's passing, about [three dozen Wisconsin schools](#) - including four in the Milwaukee metro area - had team names or logos that could be challenged.

Since then, the DPI has received complaints about nicknames in four districts: Osseo-Fairchild, Kewaunee, Mukwonago and Berlin, DPI Spokesman Patrick Gasper said Tuesday.

All but Kewaunee had hearings with the DPI and were ordered to change their mascots. Kewaunee volunteered to change its mascot without going through the hearing process, he added.

"We will be reviewing the judge's decision (about Mukwonago) with the Department of Justice, which represented the DPI in this matter," Gasper said in an email.

That decision was made by Waukesha County Circuit Judge Donald Hassin Jr., who granted summary judgment Thursday in favor of two Mukwonago residents who challenged the 2010 law.

Hassin did not find the law itself unconstitutional, but called it "an uncommonly silly law," quoting from a famous U.S. Supreme Court case on privacy.

Hassin agreed with residents James Schoolcraft and Craig Verta that the law, as applied against Mukwonago schools, was unconstitutional because the decision maker — a DPI employee named Paul Sherman — had an impermissibly high risk of bias.

He noted that Sherman's bosses at the DPI clearly favored elimination of all Indian nicknames, and further, that Sherman admitted he couldn't say just what evidence the school district would have to present to prove use of Indians did not "promote discrimination, pupil harassment or stereotyping."